

*Peterson 18  
Serial No. 09/915,963*

### **Remarks**

#### **Amendments to the Claims**

Claims 1, 3-11, and 13-25 remain in the application.

Independent Claims 1 and 21 have been amended to incorporate the phase velocity limitations of Claim 2. Accordingly Claim 2 has been canceled.

Likewise, independent Claim 11 has been amended to incorporate the phase velocity limitations of Claim 12. Accordingly, Claim 12 has been canceled.

No new matter has been added..

No amendments have been made to the specification or the drawing.

#### **Allowable Claims**

The Examiner objected to Claims 4, 14, 20 and 22, but indicated that they would be allowable if rewritten in dependent form including all of the limitations of their base claims and any intervening claims.

#### **Claims Impacted by the Board's Decision**

In its decision in Appeal No. 2005-2760 the Board reversed the Examiner's Section 112 rejection of dependent Claims 2 and 12, which require that the at least one tapered antenna element comprise a traveling wave antenna supporting a phase velocity greater than the speed of light. In addition, the Examiner never rejected either of these claims on any prior art. According, it is respectfully submitted that independent Claims 1, 11 and 21, which have been amended to include this phase velocity limitation, are patentable over the prior art of record. Moreover, Claims 3-10, 13-20, and 22-25 are likewise patentable by virtue of their dependency from Claims 1, 11 and 21, respectively. (Of course, some of these claims contain limitations that make them separately

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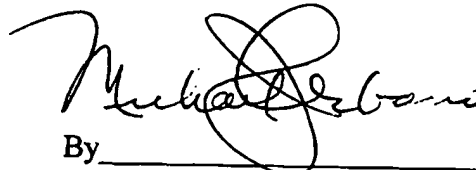
patentable, a fact recognized by the Examiner in his statement regarding the Allowability of claims 4, 14, 20 and 22.)

Finally, we note that at page 15 of its decision the Board clearly made "no representations or new grounds of rejection regarding claims 3, 5-9, 13 and 15-18." In this regard, Applicant respectfully submits that the taper profiles recited in Claims 3, 13 and 21, in addition to the phase velocity feature discussed above, patentably distinguish the art of record.

### Conclusion

In view of the foregoing, reconsideration of claims 1, 3-11, and 13-25, and passage of this application to issue, are hereby respectfully requested. If during the consideration of this paper, the Commissioner believes that resolution of the issues raised will be facilitated by further discussion, he is urged to contact the undersigned attorney at 610-691-7710 (voice) or 610-691-8434 (fax).

Respectfully,  
George Earl Peterson



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